

### REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1, 3-5, 7 and 8 are pending in the present application. Claims 2 and 6 have been canceled without prejudice or disclaimer. Claims 1 and 5 have been amended to incorporate the subject matter of the canceled claims. No new matter has been added.

By way of summary, the Official Action presents the following issues:

the Information Disclosure Statement filed July 21, 2004 has not been considered; and

Claims 1-8 stand rejected under 35 U.S.C. § 102 as being anticipated by Shitara et al. (U.S. Patent No. 6,434,103, hereinafter Shitara).

### INFORMATION DISCLOSURE STATEMENT

The Official Action has indicated the IDS, filed July 21, 2004, is not in compliance with 37 C.F.R. §1.98(a)(3). In this regard, Applicants respectfully direct the Examiner's attention to MPEP § 609, which states:

Where the information listed is not in the English language, but was cited in a search report or other action by foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely and "X", "Y", or "A" indication on a search report.<sup>1</sup>

Applicants note that a corresponding search report was filed along with the IDS of July 21, 2004 indicating the relevance of the listed reference as either "X" "Y" or "A."

Therefore, Applicants have complied with their duty of disclosure under 37 C.F.R. 1.98 and MPEP § 609<sup>2</sup>. Accordingly, Applicants respectfully submit that the references cited

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<sup>1</sup> MPEP § 609, page 600-129.

<sup>2</sup> Furthermore, it is believed that the USPTO provides translation services for Examiners if the Examiner believes that a certain reference may be pertinent and not adequately described in the statement of relevance. Applicants encourage the Examiner to use these translation services consistent with examination guidelines.

in the IDS of July 21, 2004 are required to be considered and request indication of such in the next communication.

REJECTION UNDER 35 U.S.C. § 102

The Official Action has rejected Claims 1-8 under 35 U.S.C. § 102 as being unpatentable over Shitara. The Official Action contends that Shitara describes all the Applicants' claimed features. Applicants respectfully traverse the rejection.

By way of background, optical discs are known to employ a mini-disc format (MD). The MD format has not previously been compatible with general purpose computers. This is because the MD format utilizes a different file management scheme other than the file allocation table (FAT) based file systems used in personal computers. As portable recording mediums are increasingly utilized in conjunction with personal computers for storing audio data for example, current MD formats are not able to penetrate such markets.<sup>3</sup>

In light of at least the above deficiencies in the art, the present advancements are provided. With at least these objects in mind, a brief comparison of the claimed advancement, in view of the cited art is believed to be in order.

Applicants' amended Claim 1 recites *inter alia* a data editing method, including:

... and wherein said first data management step is capable of managing data such that an offset region is provided at the beginning of the stream data as one file and the entity of the stream data is disposed following the offset region; and

when on-medium erasure of erasing a data part of a track unit of the stream data from the recording medium by rewriting of the file system is performed, if partial data of the data part of the track unit which is the object of the on-medium erasure remains in the data part for the data management unit of the file system including a last end position of the data part of the track unit which is an object of the on-medium erasure, manages the remaining partial data as the offset region.

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<sup>3</sup> Application at pages 1-3.

Shitara describes a flash memory device (1) including an internal file system structured in accordance with Figure 5. The file system includes a file allocation table (FAT) area used for prescribing values representing unused blocks, the number of a next block, bad blocks, and the last block. The root directory area is used for storing directory entries including file attributes, an update date and time, a start cluster and a file size.<sup>4</sup> The memory (1) also includes a track information management file which is recorded in a user block therein such that if the FAT is destroyed, files can be recovered through the use of the track information management file. When data is recorded to the memory (1) the FAT and the track information management file are updated after the recording operation.<sup>5</sup>

Conversely, in an exemplary embodiment of the Applicants' claimed advancement, a data editing method is provided in which stream data are recorded on a predetermined recording medium in a unit of a file based on a file system. Management of data in a unit of a track may be performed based on a track managing data file. The track managing data file includes track management information formed from information elements each of which is information corresponding to one of tracks of which is data within a range of the stream data in the file unit. The management information indicates coordination with the stream data of the file unit and information elements each of which indicates a data position of one of the tracks in the stream data of the corresponding file unit. Track data may be divided in terms of file units to form a plurality of tracks or track erasure of erasing one of the tracks. An updating process is performed to update the track management information in response to the manner of track division or track erasure. In this regard, an offset region is provided at the beginning of the stream data as one file and the entity of the stream data is disposed following the offset region. When on-medium erasure to erase a data part of a track unit of the stream data by rewriting of the file system is performed, a partial data of the data part of

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<sup>4</sup> Shitara at Figures 6-7; column 15, lines 1-8.

<sup>5</sup> Shitara at column 15, lines 31-38.

the track unit which is the object of the on-medium erasure remains in the data part for the data management unit of the file system including a last end position of the data part of the track unit which is an object of the on-medium erasure, the partial data of the offset region is managed.<sup>6</sup>

Shitara does not disclose or suggest providing an offset region at the beginning of stream data where management of this offset region is provided to ensure that partial data of the data part of the track unit which is an object of an on-medium erasure remains in the data part for the data management unit of the file system including a last end position of the data part of the track unit which is an object of the on-medium erasure as recited in Applicants' amended Claim 1. While the Official Action has cited column 24 as describing these features of the Applicants' claimed advancement, Applicants note that this portion of Shitara simply describes an offset used for identifying an address location. Likewise, column 29, lines 52-59 describe that upon deletion of a part information area, the area becomes free for recording. Independent Claim 5 recites substantially similar limitations to that discussed above; thus, this claim and any corresponding dependent claims are likewise allowable over the cited reference.

Accordingly, Applicants respectfully request that the rejection of Claims 1, 3-5, 7 and 8 under 35 U.S.C. § 102 be withdrawn.

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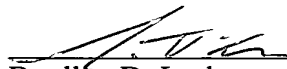
<sup>6</sup> See application at pages 66-71; Figures 13-15.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 1, 3-5, 7 and 8 is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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